

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**PATRICK STRICKLER,**

§

**Plaintiff,**

§

**Case No.: 4:16-cv-01256**

**v.**

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**HOBBY LOBBY STORES, INC.,**

§

**Defendant.**

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**PLAINTIFF'S OPPOSED MOTION FOR NEW DOCKET CONTROL ORDER AND  
REQUEST FOR ADDITIONAL LIMITED DISCOVERY**

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COMES NOW, PATRICK STRICKLER, Plaintiff, by and through undersigned counsel, and moves this Honorable Court to enter a new docket control order and allow additional limited discovery in this case in accordance with Rule 16(b)(4) of the Federal Rules of Civil Procedure since there is no trial date set, and there is good cause as to continuing the discovery period in this case.

This case was referred to Magistrate Judge Nancy K. Johnson on May 9, 2017 and the Court's deadlines set forth in the Docket Control Order at Paragraphs 9, 10, 11, and 12, including a trial date, were terminated.<sup>1</sup> One week after a failed mediation (where Defendant's representative was not physically present), Plaintiff's counsel served Defendant's counsel with three Notices of

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<sup>1</sup> Dkt. 35.

Intent to Take Oral depositions on June 12, 2017, since there are existing disputes of material fact.

A schedule may be modified only for good cause and with the judge's consent. FED. R. Civ. P. 16(b)(4). Since deadlines (including a trial deadline) were terminated and this case was transferred, the Docket Control Order entered August 12, 2016 does not give Plaintiff ample time to conduct the additional discovery needed. Moreover, it became obvious during the failed mediation on June 4, 2017 that additional limited discovery was necessary. Entering a new docket control order to extend the deadline for discovery, filing dispositive motions, and joint pretrial orders and motions in limine would not prejudice Defendant other than grant a continuance for filing of a motion for summary judgment after further inquiry into crucial issues of material fact.

Therefore, the Plaintiff respectfully requests that this Court enter a new docket control order.

Respectfully submitted,

**COANE AND ASSOCIATES, PLLC**

By: /s/ct

Connor Throckmorton

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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

I HEREBY CERTIFY that on June 13th, 2017 at approximately 6:09PM, I spoke with Holly Williamson, counsel for Defendant. Mrs. Williamson stated that she would be opposed to a new docket control order.

/s/ct  
Connor Throckmorton

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of June, 2017, I served a copy of the foregoing via the Court's ECF system on all counsel of record as set forth in the service list.

*/s/ct*  
Connor Throckmorton

**SERVICE LIST**

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**ORDER GRANTING PLAINTIFF'S OPPOSED MOTION FOR NEW DOCKET  
CONTROL ORDER**

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On this day came to be considered Plaintiff's Opposed Motion for New Docket Control Order, and the Court having considered the Motion, all responses, and arguments of counsel, the Motion is in all things GRANTED.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Magistrate Judge Nancy K. Johnson